

Town of North Andover
ZONING BOARD OF APPEALS

Approved
Feb 26, 13

Albert P. Manzi III, Esq. Chairman
Ellen P. McIntyre, Vice-Chairman
Richard J. Byers, Esq. Clerk
D. Paul Koch Jr. Esq.
Allan Cuscia



Associate Member
Michael P. Liporto
Deney Morganthal
Doug Ludgin
Zoning Enforcement Officer
Gerald A. Brown

DRAFT MINUTES
Tuesday, January 24, 2013 at 7:30 PM
Town Hall 120 Main Street, North Andover, Massachusetts

Members present: Albert Manzi III Esq., (left at 7:33), Ellen McIntyre, Richard Byers, D. Paul Koch Jr., Esq., and Allan Cuscia
Associate Member: Michael Liporto
Also in attendance: Zoning Enforcement Officer: Gerald Brown and Town Attorney, Tom Urbelis
Excused absence Doug Ludgin and Deney Morganthal

Manzi called this special meeting to order at 7:30

Pledge of Allegiance

Albert Manzi recused himself from this Comprehensive Permit and handed the gavel over to Ellen McIntyre. Vice-Chairperson, McIntyre will now act as the Acting Chairperson during this entire process for 16 Berry Street. With that being said McIntyre welcomed everyone to this Special Meeting and then assigned Rick Byers as Vice Chairperson.

New Public Hearings

North Andover Holdings, LLC 16 Berry Street/Riding Academy Preserve, North Andover, MA (Map 106.D, Parcel 0032).
M.G.L. Chapter 40B, Section 21 for a Comprehensive Permit

Byers read the Legal Ad, regarding Berry Street.

McIntyre stated the maximum for this meeting room was 70 and asked everyone to please not to block the entranceways for safety reasons. She also suggested going into the next room over, it will take some of the overflow, and they can also watch this meeting on the television screen in that room.

Curt Bellavance, Director of Community Development walked up the podium. Bellavance made a brief presentation and talked of how his Departments, such as Health, Planning, Conservation, Building and Zoning (Board of Appeals) operates. Bellavance talked of how the Board of Appeals accepts and processes the application of a Comprehensive Permit (40B).

He also talked of the use of peer reviewers and also how they will be applying for a grant with MassHousing for up to a \$15,000.00. This Technical Assistant Grant will appoint a group of consultants and they will work with the Town and the Board.

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Byers made the motion for Bellavance to submit the application for the Grant and have McIntyre authorized to sign.

Koch second the motion

All were in favor McIntyre, Byers, Koch, Cuscia, and Liporto

McIntyre stated that she would like to set some guidelines in regards to correspondences that the abutters have been sending to the Zoning Board.

All correspondences should be brought to the Board of Appeals Department at 1600 Osgood, Suite 2035, eight days prior to the meeting. Twenty-one copies need to be made and all copies received, get time stamped at the Board of Appeals Office.

McIntyre explained the meeting process for tonight and how she would conduct it. The meeting will start with the applicant first, then the Board and abutters will get a chance to speak.

Atty. Ted Regnante walked up to the podium stating that he is representing his client, **North Andover Holdings, LLC**. Regnante stated that he is here with his associate, Atty. Paul Haverty.

Regnante introduce the team and stated that most of the team present tonight will give a brief presentation or overview.

Regnante also stated that for the last 8 to 10 years he has been very active as an attorney in affordable housing, so he is very familiar with 40B's. Regnante stated that they are prepared to work with the Board and Town.

They are proposing to build 240 rental units with 60 of them being affordable units at the old riding academy property. They will consist of 1, 2 and 3 bedroom units. The site of this proposal is on 26.86 acres. Five garden style buildings are being proposed with elevators installed. The site will be called the Riding Academy Preserve.

The applicant, North Andover Holding LLC, is a "limited dividend organization" as the term is used in M.G.L. Chapter 40B Section and will sign a Regulatory Agreement with the funding agency and the Town of North Andover to limit profits.

Regnante gave a bit of history on the applicant, Lou Minicucci and those that make up his team, stating that he has been involved in many projects, including 40B's. They are very experienced developers. He also talked of how a 40B works. He also talked of the number of units and the 10% percent that needs to be reached by the town.

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Regnante spoke of the "Project Eligibility Letter" that was issued with regards to the project. This letter is needed for them to apply for the Comprehensive Permit. Regnante stated that this letter is the ticket to appear before this board to request a 40B project.

Regnante gave a brief description on what a 40B means. He also talked of the Conservation Commission and stated that he would like these meeting between the Board of Appeals and Conservation to be run at the same time. They need an Order of Conditions from Conservation.

Atty. Regnante wanted the Board to know that he wants to work with the board in good faith to come up with something that makes sense.

Atty. Regnante respectfully requested that the Conservation Board and Board of Appeals use the same peer reviewers.

Eric Loth, part of the team for North Andover Holdings, LLC, and Manager walked up to the podium stating that he is a North Andover resident. Loth stated that he did not have much to say since their attorney did a good job and covered a lot.

Chris Huntress, with Huntress Associates, is a Planner and Landscape Architect for this project and works out of North Andover, MA. He talked of the overall site and the open space of the project and also a bit of the history of what the land was used for prior.

Huntress talked of preserving the stone wall. He also talked of the wetlands and also the cemetery that is on the land. Huntress pointed out that the cemetery will also be preserved. Huntress then showed on the plan the 5 individual buildings plus a smaller building that will be a clubhouse.

Huntress also talked of the types of plantings such as trees that will be used on the properties. He talked of bringing all these buildings forward in order to preserve the open space.

Another member of the team walked up to the podium, Cal Goldsmith, Civil Engineer for Goldsmith Prest and Ringwall, Inc.

Goldsmith showed some technical plans and also spoke of how they plan on preserving the open land and how they will cluster the buildings together.

Another thing Goldsmith talked of was the vernal pool and how some of the buildings will also have underground parking. Goldsmith spoke of some of the outside parking planned. A clubhouse is also planned for this site as well.

He stated that they will provide 446 parking spots for this project.

Roof run-off and the use of a pump station were also discussed as well as the various elevations of this property.

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David White, AIA, Architect for the land walked to the podium and stated that 32 apartments will be 3 bedrooms, 95 apartments will be 1 bedroom, and 113 will be 2 bedrooms. He also talked of the size of various units.

There will be 5 residential buildings that will be 4 stories high with elevators in each, plus 1 club house. Building# 2 and Building #3 will have garages underneath. White talked of the material used for the exterior construction of these apartments, such as colors used for shingles and clapboards. White also spoke of the roof lines, and types of entrances were also discussed for the buildings.

White also talked of what the Club house will include, and the types of trees that will be on this property.

Dermot Kelly, Traffic Engineer walked up to the podium and talked how they prepared and conducted the traffic study on Berry Street and Route 114. They talked of the various days and times of the study and also how the traffic flowed. Kelly spoke of turns off side streets, and also, it was suggested to have a stop line, signs or lights.

Ann Marton, Director of Ecological Services, and Wetland Consultant, working with LEC Environmental Consultants. Marton stated that there is one certified vernal pool on this property. Marton talked of how they walked the lots and noted the wetlands on this property. Marton talked of Massachusetts Natural Heritage and their review of this project and one of the conditions to preserving the habitat.

Marton wants to run the permitting process with Conservation parallel with the Board of Appeals.

Atty. Regnante walked back to the podium to discuss how the rentals would work (Affordable 80% of median income in North Andover)

Market price	Affordable (40B)
1 bedroom \$1,463	1 bedroom \$1,091
2 bedroom \$ 1,798	2 bedroom \$1,300
3 bedroom \$ 2,225	3 bedroom \$1,400

McIntyre talked of the possible peer reviewers that the Board would use.

McIntyre opened up the podium to the abutters.

Monica Finn Carpenter, of 72 Windsor Lane was the first abutter to go to the podium. Carpenter wanted everyone to know that she supports and respects the 40B process and understands its need. But felt that this project presents a “real and present danger” because of the increased traffic that will result. Berry Street is between 18 and 20 feet, much too narrow for the amount of apartments that are planned and the amount of cars/traffic that it will create in this area. She showed the board various pictures of the surrounding roads pointing out what she felt were dangerous parts.

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Carpenter and other neighbors felt this project should be scaled back. Carpenter feels that this project is worth denying, because of public safety, the information she is presenting today is very factual information, since she lives nearby.

She also spoke of the near misses and accidents that have occurred. Carpenter was very concerned with the safety of the neighborhood due to the increase of traffic. She felt streets should be wider and side walks were needed. She suggested to everyone here tonight to take the time to walk the proposed site to see the danger because of the narrow, sharp corners and windy roads and also to see how unsafe it can be. Carpenter also questioned the traffic study and thought it had flaws.

Carpenter requested that her neighbors stand up with her on these issues.

Raymond Ahern, of 1756 Salem Street also had concerns of the dangers on Campbell and Berry Street. Ahern agreed with everything that Carpenter spoke of in her presentation. Ahern stated it is impossible for 2 cars to pass one another. He then spoke of the difficulties school busses will have, he also talked of the water table and how this project may cause problems in the future. He stated that it is only the beginning of the problems. He also was wondering about a soil analysis, since he did not hear anything mentioned of a soil analysis on the land. Ahern was concern with mold, dampness and future health issues with the construction of these buildings.

Pat Lavery, of 259 Campbell Road spoke of conservation issues, the history of previous types of plans that were proposed for this property and how they were opposed by the state because of the wet soil. Lavery spoke of the high water table in the area. He also talked of the pot holes on the surrounding roads that get larger each year. He also talked of wildlife being displaced and how they cross the streets in packs of 8-10 causing another type of safety issue on these roads. He also talked of the National Heritage and the role they played.

Lavery requested that noise insulation was needed to minimize the noise during construction. Lavery was also concerned with well water contamination.

Will Edwards, of 90 Windsor Lane talked of open space, safety and environmental concerns. Edwards spoke of the property under discussion and that it is a special site with documented historical significance and a sensitive resource protection area. Edwards felt it would be better suited for Planned Residential Development (PRD) as defined in Section 8.5 of the Zoning Bylaws. Edwards also spoke of Open Space Residential Design (OSRD).

Edwards stated because of the safety, and environmental concerns raised tonight that he is not just speaking for himself but also for the town residents. He felt they needed to collaborate with the developer in the planning process and have some meaningful input into the design of the project.

Al Luongo, of 4 Harvest Drive (part of Oakridge Village) had concerns with the increase of traffic as well as this developer. This developer is the same developer who is responsible for the same

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development he lives in today. Various items that were promised from the developer to the buyers that purchased condominiums or town houses at Oakridge Village never happened.

Town Attorney, Tom Urbelis asked of drainage calculations, a soil analysis and a plan for a fire suppression system.

Attorney Regnante responded to Urbelis's question that the developer's team will complete these tasks. This is an ongoing process.

Byers made a motion to close the hearing and continue at the next meeting for February 26, 2013.

Koch Second the motion

Voting in favor to continue this hearing for February 26, 2013 were, McIntyre, Byers, Koch, Cuscia and Liporto.

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Adjournment: 9:30

Byers made a motion to adjourn the meeting

Cuscia second the motion

All were in favor to adjourn the meeting McIntyre, Byers, Koch, Cuscia and Liporto.

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